

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MATTHEW KIRSCHNER, *et al.*,

Plaintiffs,

v.

STATE FARM FIRE AND CASUALTY
COMPANY,

Defendant.

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CIVIL ACTION

NO. 23-993

ORDER

AND NOW, this 31st day of October, 2023, upon consideration of Defendant's Motion to Dismiss and/or Strike (Doc. No. 10) and Plaintiffs' Response (Doc. No. 11), it is hereby **ORDERED** that the Motion is **GRANTED IN PART and DENIED IN PART** as follows:

1. Defendant's Motion to Strike is **GRANTED** as to: (a) Plaintiffs' demand for attorneys' fees as set forth in Counts I–V; (b) paragraphs 5 and 50(o), and (c) Plaintiffs' demand for emotional distress damages in paragraph 52. The Motion is **DENIED** in all other respects.
2. Defendant's Motion to Dismiss is **GRANTED** as to Count V of the Complaint. The Motion is **DENIED** in all other respects.

It is further **ORDERED** that within **fourteen (14) days** from the date of this Order, Defendant shall file an answer to the remaining portions of the Complaint.

BY THE COURT:

/s/ Mitchell S. Goldberg
MITCHELL S. GOLDBERG, J.